


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jeffrey Wade Harper, Stephen J. Elledge, and Jeffrey T. Winston
Divisional of Serial No.: 09/172,841
Filed: October 15, 1998
Group Art Unit: 1644
Examiner: Mary Tung

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I certify that the accompanying paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to BOX: PATENT APPLICATION, Commissioner for Patents, Washington, DC 20231


Linda L. Gibson**BOX: PATENT APPLICATION**

Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Sir:

Please find below Applicants' Preliminary Amendment that accompanies the request for filing a divisional application under 37 CFR §1.53(b) filed herewith. Please amend the divisional patent application filed herewith as follows:

IN THE SPECIFICATION

On page 1, please the amend the first sentence to provide the following reference to the previous application: "This application is a Divisional Application of pending United States Patent Application Serial Number 09/172,841, filed on October 15, 1998 and claims

priority under 37 CFR §1.78 to United States Patent Application Serial No: 08/951,621 filed October 16, 1997.”

IN THE CLAIMS:

Cancel in this application original claims 1-5 and 7 of the prior application before calculating the filing fee.

Please amend claim 6 as follows:

6. (Amended) A method for the detection of a slimb protein complex comprising the steps of:
- a) providing a slimb protein, and a sample suspected of containing one or more proteins capable of forming a complex with said slimb protein;
 - b) exposing said slimb protein to said one or more proteins capable of forming a complex with said slimb protein under conditions such that said slimb protein binds to said one or more proteins capable of forming a complex with said slimb protein to form a slimb protein complex; and
 - c) detecting said slimb protein complex.

REMARKS

Claims 1 and 3-5 of the prior application, as amended, have been allowed. Claims 6-10 of the prior application were subject to a restriction requirement. The present divisional application filed herewith cancels claim 1-5 and 7 and presents claims 6 and 8-10 for examination. Claim 6 has been amended hereby to incorporate the limitations of canceled claim 7 and to bring claim 6 into conformity with allowed claim 1 of the prior application.

CONCLUSION

Should any fees be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Gardere Wynne Sewell LLP Deposit Account No. 07-0153. The Examiner is invited to telephone the undersigned at the telephone number listed below if he or she has any questions.

Respectfully submitted:

Dated this 7th day of March, 2001.



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior Application Serial No.: 09/172,844
In Re Application of: Jeffery W. Harper and Stephen J. Elledge
Prior Application Filing Date: October 15, 1998
Prior Application Examiner: M. Tung
Prior Art Unit No.: 1644

Specification marked-up in accordance with Rule 1.121(c):

At page 1, lines 1-6:

[This application is a Continuation-in-part Application of U.S. Pat. Appl. Ser. No.] This application is a Divisional Application of pending United States Patent Application Serial Number 09/172,844 filed on October 15, 1998 and claims priority under 37 CFR §1.78 to United States Patent Application Serial No: 08/951,621, filed October 16, 1997, pending, which is hereby incorporated herein by reference in its entirety. This invention was made with government support under National Institutes of Health Grant No. RO1AG11085. The government has certain rights in the invention.

Claims marked-up in accordance with Rule 1.121(c):

6. (Amended) A method for the detection of a slimb protein complex comprising the steps of:
- a) providing a slimb protein, and a sample suspected of containing one or more proteins capable of forming a complex with said slimb protein; [and]
 - b) exposing said slimb protein to said one or more proteins capable of forming a complex with said slimb protein under conditions such that said slimb protein

- b) exposing said slimb protein to said one or more proteins capable of forming a complex with said slimb protein under conditions such that said slimb protein binds to said one or more proteins capable of forming a complex with said slimb protein to form one or more of said slimb protein complexes[.]; and
- c) detecting at least one of said slimb protein complexes.